

**Notice of Allowability****Application No.**

10/541,326

**Examiner**

RAFFERTY KELLY

**Applicant(s)**

VANDYCK ET AL.

**Art Unit**

2876

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/09.
2. ☒ The allowed claim(s) is/are 1-3,5-9,12,18,20-37 and 41-61.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20090715.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **EXAMINER'S AMENDMENT**

Remarks filed on 4/23/09 have been acknowledged and entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Liam McDowell (Reg. No. 44,231) on 6-15-09.

The application has been amended as follows:

- Replace claim 1 with the following:
  - 1. An automatic gate for permitting or preventing access by a person to a space or a transport vehicle, comprising: at least one vertical and elongated frame; at least one flap which is mobile between a closed position in which said at least one flap forms a barrier preventing passage of a person along the frame, and an open position in which the at least one flap allows the passage of a person along the frame; elements for reading an access ticket; elements for controlling the displacement of the at least one flap between the two abovementioned positions; a lateral face of the frame adjacent to the passage of the person comprising at least two superposed rows of detection cells cooperating with elements

for preventing the opening of the flap or for maintaining the flap closed when said detection cells detect an abnormal situation, one of the at least two superposed rows, called high or upper row, includes a plurality of said detection cells extending to upstream and downstream sides of the at least one flap above a line situated at the mid-height of the frame, and the other row called middle row, being situated close to said line, wherein the detection cells in at least one of the upper and middle rows, situated downstream of the flap are configured for detecting a change of direction of a person or of a child that has passed the flap and for controlling the closing of the flap in order to prevent the person from turning back.—

- Replace claim 37 with the following:

--37. Method of controlling access for an automatic gate comprising at least one vertical and elongated frame, at least one flap which is mobile between a closed position in which the flap forms a barrier preventing passage of a person along the frame and an open position in which the flap allows this passage, elements for reading an access ticket, elements for controlling displacement of the flap between the two positions, a lateral face of the frame adjacent to the passage of the person comprising at least two superposed rows of detection cells cooperating with elements for preventing opening of the flap or for maintaining the flap closed when these cells detect

an abnormal situation, one of the rows called a high or upper row, comprising a plurality of the detection cells extending to both sides of the flap, above a line situated at the mid height of the frame and the other row called middle, being situated closest to the line, and a third row called low, of at least one cell situated below the line, method comprising steps of: determining the presence of an adult by the simultaneous covering of a cell of the high row and a cell of the middle row superposed on the cell of the high row; detecting the presence of a child by the covering of a cell of the middle row without a cell of the high row, superposed on the cell of the middle row being covered; detecting a fraud by crawling when only one of the cells of the low row is covered, and detecting a fraud and or an intrusion when a number of consecutive cells, in the same row covered simultaneously, is greater than a given number; and detecting a change of direction of a person or of a child that has passed the flap using the cells in the upper or middle rows that are situated downstream of the flap, and controlling the closing of the flap in order to prevent the person from turning back.--

- Replace claim 58 with the following:

--58. Automatic gate for permitting or preventing access by a person to a space or a transport vehicle, comprising: at least one vertical and elongated frame constituting a closed box; at least one

flap which is mobile between a closed position in which said flap forms a barrier preventing the passage of a person along the frame and an open position in which the flap allows passage; an end upstream of the frame relative to the person's direction of movement, comprising an input slot for an access ticket and another end downstream of the frame comprising an output slot for the ticket, the frame including elements for controlling the displacement of the flap between the two abovementioned positions, a route for displacement of the ticket between the input slot and the output slot for the ticket and elements for reading the ticket, wherein the gate is structured and arranged for preventing the person from accessing the output slot in order to remove the ticket, when the flap is in the position preventing the passage of the person, by the distance between the flap and the output of the ticket being such that the person cannot access the ticket output in order to remove the ticket, and wherein the gate includes a plurality of detection cells situated downstream of the flap configured for detecting a change of direction of a person or of a child that has passed the flap and for controlling the closing of the flap in order to prevent the person from turning back.—

***Allowable Subject Matter***

Claims 1-3, 5-9,12,18,20-37 and 41-61 allowed.

The following is an examiner's statement of reasons for allowance: no reference or combination of references teaches all of the features of independent claims 1, 37, or 58. Numerous prior art references teach gates that are used to control access to areas. For example, Imazuka (US 6450404 B1) teaches a gate system that employs sensors and flaps to control the flow of traffic through the gate. However Imazuka fails to teach detecting a change of direction after a person has passed the flap. Taylor (WO 96/34367) also teaches a gate system. Taylor teaches many of the features of the claims, including the sensor configuration, flap configuration, and ticket input/output. However, Taylor also does not teach detecting the change of direction after a person has passed the flap. There is no single reference or combination of references that teach all of the features of claims 1, 37, or 58, and therefore these claims are allowed. All other claims are allowed as a result of being dependent upon these allowed independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAFFERTY KELLY whose telephone number is (571)270-5031. The examiner can normally be reached on Mon. - Fri. 800-1730 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rafferty Kelly/  
Examiner, Art Unit 2876  
7-15-09

/Daniel A Hess/  
Primary Examiner, Art Unit 2876